

Notice of Allowability	Application No.	Applicant(s)	
	09/853,690	BEVERINA ET AL.	
	Examiner	Art Unit	
	Fred Ferris	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 July 2006.
2. ☒ The allowed claim(s) is/are 13, 14 and 42-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>08022006</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|---|

Fred Ferris
 FRED FERRIS
 Primary Examiner
 TC 2128

DETAILED ACTION

1. *Claims 13, 14, and 42-58 have been presented for examination based on applicant's amendments filed 19 July 2006 and 9 April 2007. Claims 13, 14, and 42-58 now allowed over the prior art of record.*

Response to Arguments

2. *Applicant's arguments filed 19 July 2006 and 9 April 2007 have been fully considered and are persuasive.*

Regarding applicant's response to 101 rejections: *The examiner withdraws the 101 rejection in view of applicants' amendment to the claims.*

Regarding applicant's response to 103 rejections: *The examiner withdraws the 103 rejection in view of applicants' amendment to the claims and supporting arguments.*

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

On page 7 of the specification amend line 19 to read as follows:

Figure 13 a-b is a user/AVAT interconnection diagram.

Allowable Subject Matter

4. *Claims 13, 14, and 42-58 are allowed over the prior art of record.*

The following is an examiner's statement of reasons for allowance:

Applicants are disclosing a computer implemented system and method for assessing risk of a terrorist attack on a site inclusive of calculation probability of attack, calculating vulnerability of the site based on susceptibility to weapon delivery, and where probability is calculated using and AI network and weapon delivery to the site is considered. This has been disclosed in the prior art of record.

While these elements are individually disclosed in the prior art, the prior art of record does not meet the conditions as suggested in MPEP section 2132, namely:

*"The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an **ipsissimis verbis** test, i.e., identity of terminology is not required. **In re Bond**, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)."*

*In particular, the prior art of record does not explicitly disclose the specific arrangement of device elements or sequence of method steps relating to calculating a probability and vulnerability to terrorist attach on the site further based on susceptibility, **in combination with** accessibility determined from a model of the physical environment of the site and a for a weapon delivery system and specific target at the site, **and** where the approach vectors are determined for delivery of the weapon by the delivery system to the specific target at the site, as required now by independent claims 13 and 50.*

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(See: Figures 21, 23, 24, for example) Here the recited determination of "approach vectors" and "delivery of the weapon by the delivery system to the specific target at the site" is interpreted by the examiner as specifically defined in applicant's specification on pages 24, line 20 to page 31, line 17, and in Figures 8, 16, 17, 21, 23, and 24 respectively.

The closest prior art uncovered during examination teaches certain limitations of the claimed invention as follows:

"Applications of Quantitative Modeling to Knowledge-Based Risk Assessment Studies", Biswas: Teaches assessing risk by calculating a probability that an event will occur including calculating risk based on event probability, and consequences which would obviously include the "vulnerability" as assessed by experts in the field. However, Biswas does not explicitly disclose the specific arrangement of device elements or sequence of method steps relating to calculating a probability and vulnerability to terrorist attack on the site further based on susceptibility, in combination with accessibility determined from a model of the physical environment of the site and a for a weapon delivery system and specific target at the site, and where the approach vectors are determined for delivery of the weapon by the delivery system to the specific target at the site, as required now by independent claims 13 and 50.

"Installation Force Protection Guide" (IFPG): teaches strategies for risk reduction through protection, planning, construction, and design (i.e. accessibility) inclusive of vulnerability assessment that includes the susceptibility of a facility to attack from a terrorist threat and elements relating to infrastructure attack, military action, and building

security related to its physical environment. However, IFPG again does not explicitly disclose the specific arrangement of device elements or sequence of method steps relating to calculating a probability and vulnerability to terrorist attack on the site further based on susceptibility, in combination with accessibility determined from a model of the physical environment of the site and a for a weapon delivery system and specific target at the site, and where the approach vectors are determined for delivery of the weapon by the delivery system to the specific target at the site, as required now by independent claims 13 and 50.

The features noted above relating to the specific combination of sequenced method steps and arrangement of device elements renders the claimed invention non-obvious over the prior art of record. Dependent claims 14, 42-49, and 51-58 are deemed allowable as depending from independent claims 13 and 50 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

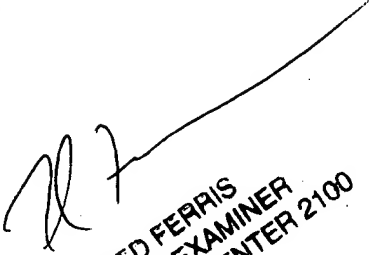
Conclusion

5. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the*

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examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached at 571-272-2279. The Official Fax Number is: (571) 273 8300.

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